

REMARKS

For convenience, headings used in the action will be used in the present response.

Information Disclosure Statement

The Office indicates that document DB of the IDS filed January 3, 2006, has not been considered. Applicants submit that consideration of document DB is in order and is respectfully requested.

Document DB was cited in the International Search Report of PCT/JP2003/016523, of which the present application is the U.S. National Stage. MPEP § 1893.03(g) provides that the Office should consider documents cited in the international application during examination of the national stage application. Furthermore, an English language copy of the International Search Report was submitted to the Office on June 25, 2005, which contains an explanation of the relevance of document DB. Submission of the International Search Report fulfills the requirement under 37 C.F.R. § 1.98(c) for a concise explanation of the relevance of document DB (see MPEP § 609.04(a)).

Attached hereto is Form PTO-1449 identifying document DB. The Office is respectfully requested to consider the document and initial the form to indicate that the document has been considered.

Specification

The specification has been amended to identify terms used as trademarks in all capital letters.

Claim Objections

Claims 17 and 18 are objected to because "asparagine" is incorrectly spelled. Claims 17 and 18 have been canceled. Therefore, the objection to the claims is moot and removal of the objection is respectfully requested.

Claim Rejections - 35 USC § 112

Claims 2, 19, and 20 are rejected under 35 U.S.C. 112, second paragraph, for lack of antecedent basis. Claims 1 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Without admitting the propriety of the above rejections, claims 1, 2, 19, 20 and 24 have been canceled rendering the rejections moot.

Claims 9-12 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office's position is that the definitions of the product and starting materials in the rejected claims have the same structure.

Claims 9-11 and 14-16 have been rewritten in independent form and to identify the substituents of each formula separately. These amendments are supported, for example, by the original claims of the application. In the amended claims, the product and starting materials have different structures. For example, amended claim 9 recites that in formula (14) one of R^1 and R^2 is a group represented by formula (2) and the other thereof is a group represented by formula (4) and in formula (13) one of R^1 and R^2 is a group represented by formula (2) and the other thereof is a group represented by formula (3). Claim 12 has been canceled.

Removal of the 35 U.S.C. 112 rejections of the claims is believed to be in order and is respectfully requested.

Claim Rejections - 35 USC § 103 & Double Patenting

The Office has made four separate grounds of rejection under 35 U.S.C. § 103(a). These are:

(1) Claims 1-8 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, et al. (Bioorganic & Medicinal Chemistry 1995, Vol. 3, No. 12, pp. 1625-1630) (hereinafter: "Lin") in view of Inazu, et al. (Peptide Science 1999, vol. 1998, pp. 153-156) (hereinafter: "Inazu") and further in view of Iida et al. (U.S. Patent No. 5,627,290) (hereinafter: "Iida").

(2) Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unverzagt et al. (Tetrahedron Letters 1997 vol. 38, no. 32, pp. 5627-5630) (hereinafter: "Unverzagt") in view of Inazu and further in view of Iida.

(3) Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unverzagt.

(4) Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meinjohanns et al. (J. Chem. Soc. Perkin Trans. I, 1998, pages 549-560) (hereinafter: "Meinjohanns").

Claims 4 and 6 are rejected on the ground of nonstatutory obviousness-type double patenting ("ODP") as being unpatentable

over claims 18 and 19 of U.S. Patent No. 7,135,566 B2 (hereinafter: "U.S. '566") in view of Iida.

Without admitting the propriety of these rejections, claims 1-8, 12, 13, 17-20 and 23-28 have been cancelled. Claims 9, 10, 11, 14, 15 and 16, which are not included in any of the rejections under 35 U.S.C. § 103(a) or the ODP rejection, and claims 21 and 22, which are indicated to be allowable, have been rewritten in independent form.

Removal of the 35 U.S.C. 103(a) rejections and the ODP rejection of the claims are believed to be in order and are respectfully requested.

The present application now contains 8 independent claims. Fees for 4 independent claims were previously paid. Form PTO-2038 in the amount of \$800.00 is attached hereto for payment of the fees for an additional 4 independent claims.

The foregoing is believed to be a complete and proper response to the Office Action dated March 1, 2007, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone

PATENT APPLN. NO. 10/540,503
RESPONSE UNDER 37 C.F.R. §1.111

**PATENT
NON-FINAL**

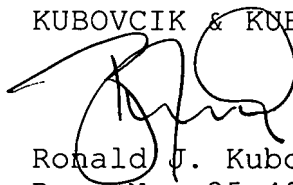
interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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Attachment: Form PTO-1449